

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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THOMAS RICE

Plaintiff,

**ORDER CONSOLIDATING  
CASES**

10-CV-6126

v.

WAYNE COUNTY

Defendant.

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In response to an Order to Show Cause why this Court should not dismiss the above-captioned case (civil case number, 10-CV-6126) for failure to prosecute, Plaintiff informed the Court that this case is related to another case currently pending before Magistrate Judge Marian W. Payson, civil case number 09-CV-6391. (Docket No. 5.) Plaintiff represents that all documents relevant to both cases have been filed in the case before Judge Payson, 09-CV-6391, and requests that these cases be consolidated, as provided for in Rule 42 of the Federal Rules of Civil Procedure, and that the Court direct the Clerk of the Court to close the above captioned case. Accordingly, it is hereby,

**ORDERED** that the above-captioned case is consolidated with civil case number 09-CV-6391. All documents shall be filed under

civil case number 09-CV-6391, and the Clerk of the Court is hereby directed to close the above-captioned case, civil case number 10-CV-6126.

s/ Michael A. Telesca  
MICHAEL A. TELESCA  
United States District Judge

Dated: Rochester, New York  
February 21, 2012